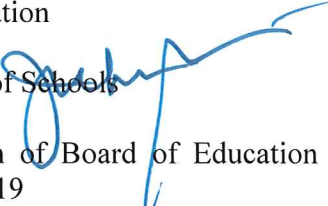


Office of the Superintendent of Schools
MONTGOMERY COUNTY PUBLIC SCHOOLS
Rockville, Maryland

August 28, 2019

MEMORANDUM

To: Members of the Board of Education

From: Jack R. Smith, Superintendent of Schools 

Subject: Update on the Implementation of Board of Education Policy JHC, Child Abuse and Neglect, for Fiscal Year 2019

The purpose of this memorandum is to provide you with information and an update on strategies implemented by Montgomery County Public Schools (MCPS) to prevent, recognize, and report child abuse and neglect. This memorandum includes the number of child abuse and neglect reports that were made by MCPS staff, volunteers, or contractors during Fiscal Year (FY) 2019, as well as other information as required by Section E.2 of Board of Education Policy JHC, *Child Abuse and Neglect*. This policy guides MCPS procedures and protocols for recognizing, reporting, and preventing suspected child abuse and neglect of students.

The policy outlines principles and goals grounded in federal, state, and local law with the desired outcomes as follows.

- 1) A safe, engaging, and supportive environment will be provided for all students through vigilant efforts by all members of the MCPS community to recognize, report, and prevent abuse and neglect of children and vulnerable adults.
- 2) MCPS and County partner agencies will efficiently and effectively collaborate to investigate reports of suspected abuse and neglect and to support children who are the subject of reports of suspected abuse and/or neglect.

The safety and security of every student in each school is our first priority and a responsibility that we take very seriously. Our goal is to prevent any incident of child abuse and neglect in our district. However, when an incident does occur, MCPS continues to demonstrate its commitment to holding the perpetrator accountable. To that end, we have made significant improvements in the past few years to our practices and protocols, and consistently apply our processes for each incident that violates the standards we expect of our staff. Our practices are informed by ongoing input and feedback, both internally within our school district and externally from our Montgomery County partner agency experts, as well as stakeholder representatives in the greater community. In addition, our work on child abuse and neglect is aligned with the enhancements we are making more broadly to our protocols in all areas of school safety, consistent with the recently enacted *Maryland Safe to Learn Act of 2018*. Please reference <https://www.montgomeryschoolsmd.org/departments/security/resources/> for more information about these initiatives.

Throughout the 2018–2019 school year, we continued to be vigilant in our critical work to keep all students safe by preventing, recognizing, and reporting child abuse through continuous improvements to the processes, infrastructure, and training that fundamentally supports the fidelity of implementation of Policy JHC. Regulation JHC-RA, *Reporting and Investigating Child Abuse and Neglect*, revised in July 2019, included references to recent revisions to the Criminal Law Article of the Annotated Code of Maryland that establish criminal penalties for a mandated reporter to knowingly fail to report suspected child abuse or neglect. Also aligning with the federal law mandates adopted in the *Every Student Succeeds Act of 2015*, the revisions included newly developed language prohibiting MCPS employees, contractors, or agents from assisting any MCPS employee, contractor, or volunteer in obtaining a job, apart from the routine transmission of personnel files, if the individual knows, or has probable cause to believe, that such employee, contractor, or volunteer engages in sexual misconduct regarding a minor or student.

To intensify MCPS's focus on and integration of its work regarding recognizing, reporting, and preventing child abuse and neglect, Student Welfare and Compliance, in the Office of the Chief of Staff, was formed and incorporated the responsibilities of the MCPS Systemwide Child Abuse and Neglect Contact under Policy JHC. Student Welfare and Compliance staff continues to refine the compliance infrastructure, processes, and most importantly, the cross-office collaboration for the follow-up and support required to ensure our staff and students work and learn in a lawful, positive, safe, and healthy climate. In addition, Student Welfare and Compliance staff formed and convened a Child Abuse and Neglect Continuous Improvement Stakeholders Advisory Group that meets regularly to discuss the work of the district and share updates of interest to the community group. The group is comprised of MCPS staff in Student Welfare and Compliance, the Montgomery County Council of Parent Teacher Associations, Inc. (MCCPTA) including the MCCPTA, Inc. president and leaders of the MCCPTA, Inc. Safety Committee, as well as community members and representatives from the State's Attorney's Office, the Special Victims Investigations Division (SVID) of the Montgomery County Police Department (MCPD), and Child Welfare Services in the Montgomery County Department of Health and Human Services (commonly known as Child Protective Services or CPS). The participants have expressed their appreciation for this forum that promotes and supports the positive and open two-way communication among MCPS and critical partners in preventing, recognizing, and reporting suspicions of child abuse and neglect.

Implementation of Policy JHC in FY 2018

Many of the initiatives and resources described in the following paragraphs, including this memorandum, are available on the MCPS Child Abuse and Neglect [web page](#), which was redesigned and augmented with additional resources during FY 2018 and updated throughout FY2019.

Staff Training

MCPS employees complete districtwide mandatory compliance training that includes an extensive module specific to the topic of child abuse and neglect, developed in collaboration with County partner agencies and an outside consultant. As in previous years, this training was a component of a larger set of mandatory training to ensure every MCPS staff member is aware of MCPS expectations and has the necessary information to create and maintain a healthy climate and culture in which

all adults and students are able to thrive and do their best work. Each interactive module requires that employees view and listen to every slide and complete the checks for understanding and assessments embedded throughout, as well as viewing multiple resources highlighted within the training. This module was refreshed to include more engaging and contemporary content for the 2019-2020 school year.

For FY 2020, MCPS continuously improved the modules based on multistakeholder feedback gathered through employee surveys, labor association focus groups, County partner agencies including SVID, the State's Attorney's Office, and CPS, as well as a multistakeholder community group. All modules were enhanced with the latest content, updated to align with changes in law and regulations at the state and federal levels, and addressed common questions regarding processes. Also of note are the revisions to the modules to be more inclusive and sensitive to students and families who are not native English speakers or undocumented. A new training module on "Safety in the Digital Age" has been included in the annual mandatory training for all staff. This module complements the refreshed existing compliance modules on the *Employee Code of Conduct*, which encompasses Social Media: Best Practices for Employees that delineate the district's expectation for staff interaction with students, parents/guardians, colleagues, and the community with integrity and professionalism when participating in social media activity. Social media has become a powerful tool to enhance education and MCPS expects employees to model positive digital citizenship. These modules include the guidelines that articulate how employees engage responsibly in social media activities. Also addressed are the MCPS new best practices for e-mail and other electronic communications, underscoring the importance of maintaining a high standard of professionalism in all forms of [communication](#).

Also new for FY 2020, is a differentiated component to the modules. Responding specifically to employee feedback, several of the modules provide the opportunity for users to take a pre-assessment and if passed with 100 percent accuracy, the user is able to bypass the introductory content of the module. Note that the module *Recognizing and Reporting Child Abuse and Neglect* is the most extensive and detailed module and is mandatory for all staff—new and returning staff—to take in its entirety, with no option for a pre-assessment.

A required component of the onboarding process for employees hired after the start of school is the completion of training on recognizing, reporting, and preventing child abuse and neglect. Student Welfare and Compliance staff trained a cadre of trainers from various MCPS central services to provide face-to-face training for employees new to MCPS who are members of the Service Employees International Union, Local 500 bargaining unit. This training is offered twice weekly as part of the onboarding experience for new employees. All other new employees completed the training online as part of their onboarding.

In addition to the compliance training, Student Welfare and Compliance staff provides additional Child Abuse and Neglect, and Sexual Harassment (Title IX) training, updates, and real-time online resources for principals, administrators, school-designated Child Abuse and Neglect Liaisons, and all school counselors. The trainings were developed to meet the specific needs and responsibilities of each of these specific roles, as they include increased responsibilities as school leaders in these aspects of student welfare.

Screening of New and Existing MCPS Employees

MCPS conducts multipoint background checks, including fingerprinting, for prospective employees to ensure that they are qualified, ethical, responsible, and meet high expectations for professionalism prior to being hired or interacting with students. An overview of the key components is available on the Ensuring Student Safety [web page](#).

Beginning in 2013, MCPS also has required a CPS background check for new employees. In addition, MCPS has committed to completing CPS background checks for employees hired prior to September 2013. CPS background checks were completed for elementary school staff during the 2016–2017 school year, for middle school staff during the 2017–2018 school year, and for high school staff during the 2018–2019 school year. The next phase of this initiative will begin this fall 2019 with background checks for central services staff who work directly with students, beginning with staff in the Department of Transportation.

MCPS continues to require all new employees to undergo criminal background checks, including fingerprinting, before working directly with students. Because of this requirement, 37 potential new hires were not moved forward in the hiring process due to disqualifying prior arrests or convictions. To further enhance our background screening of current employees, during the 2018–2019 school year, MCPS began a process of re-fingerprinting all employees to align with the federal Record of Arrest and Prosecution program that was recently implemented in Maryland and provides ongoing notification of any criminal history from the Federal Bureau of Investigation (FBI) and all states, as opposed to only Maryland jurisdictions, which previously was the case.

As part of the hiring process for teachers and all certified educators, an additional review is conducted by checking credentials against the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse, a national collection point for professional educator discipline data. This screening helps to ensure that an educator's credentials have not been suspended or revoked in any state throughout the United States. Access to the NASDTEC Clearinghouse recently has been made available to local school districts in Maryland, and in FY 2018, MCPS began conducting reviews to supplement the monitoring of educator's credentials undertaken by the Maryland State Department of Education (MSDE).

In addition, effective July 1, 2019, school districts across Maryland are required to implement a new state law, known as Maryland House Bill 486, Child Sexual Abuse and Sexual Misconduct Prevention. Pursuant to this law, MCPS requires that all applicants must respond to questions regarding any history of child sexual abuse or sexual misconduct and to submit contact information for all current and former employers. Each prior employer is then required to respond regarding the applicant's conduct specific to child sexual abuse or sexual misconduct. Additionally, all applicants must also be reviewed using the MSDE Education Information System to determine if the applicant holds a valid and active certification and whether there has ever been disciplinary action on a certificate, such as suspension or revocation.

During FY 2018, MCPS also continued to implement MCPS [Regulation GCC-RA](#), *Staff Self-Reporting of Arrests, Criminal Charges, and Convictions*. Effective October 1, 2016, MCPS employees are required to self-report any arrests, charges, convictions, or other disposition of cases pertaining to crimes delineated in Regulation GCC-RA. Primarily, these crimes pertain to offenses involving

drugs or controlled substances, sexual offenses, child abuse, and crimes of violence. Employees who fail to report an arrest, charge, or conviction in compliance with this regulation may be subject to disciplinary action, up to and including dismissal, in accordance with normal contractual and due process procedures.

Training and Screening for Volunteers and Contractors

Enhancements to MCPS requirements for screening and training volunteers are codified in MCPS [Regulation IRB-RA](#), *Volunteers in Schools*, revised August 16, 2017. As with all visitors, volunteers sign in and out of the building using the Visitor Management System (VMS) during designated school hours and wear a name badge at all times. This system was enhanced this past year, adding new technology and software provided through a contract with the vendor *Scholarchip*, as well as training for all office staff using the system. VMS enables staff to scan a visitor's state-issued identification card or state driver's license to produce a visitor badge and check the person's information against the national and state sex offender registries.

For the 2018–2019 school year, all volunteers who regularly support schools and those who attend field trips continue to be required to complete the Recognizing and Reporting Child Abuse and Neglect training module. The training is required every three years. Following the inception of the volunteer training in January 2016, 87,815 volunteers have completed the online training (as of June 14, 2019). Specifically for FY 2019, 25,018 volunteers completed the online training during the school year. Frequently Asked Questions for Volunteers are posted on the Child Abuse and Neglect web page.

In addition to these volunteer training requirements, MCPS requires criminal background checks for volunteer coaches, day and overnight chaperones for Grade 6 Outdoor Environmental Education Programs, and volunteer chaperones for overnight field trips, as well as for field trips that extend beyond 7:00 p.m. or otherwise require approval by staff in the Office of School Support and Improvement. MCPS also worked to provide clarity and consistency in fingerprinting and background check requirements for volunteers and chaperones supporting student participation in arts and athletic events. During the 2017–2018 school year, a total of 1,593 volunteers completed criminal background checks. This past 2018–2019 school year, 1,657 volunteers and chaperones were checked, with seven individuals denied clearance to volunteer/chaperone.

With respect to contractors, MCPS continued to implement amendments to Section 5-551 of the Family Law Article of the Maryland Code, which requires that individuals in a contractor's workforce (including subcontractors) must undergo a criminal background check, including fingerprinting, if the individuals will work in a MCPS school facility in circumstances where they have direct, unsupervised, and uncontrolled access to students. MCPS has posted informational documentation regarding volunteer and contractor training, screening processes, and requirements including regularly revised Frequently Asked Questions on the Required Criminal Background Checks for Contractors [web page](#). In FY 2019, MCPS continued to require completion of the online Recognizing and Reporting Child Abuse and Neglect training module for the aforementioned contractor's workforce. In FY 2018, 940 contractors completed this training requirement. Due to the enhanced screening of contractors, 16 contractors were not permitted to work on MCPS property because of their FBI and/or state fingerprint background check results.

Student Learning Continuum in the Areas of Child Abuse and Personal Body Safety

For FY 2019, MCPS continued to implement age-appropriate content-level on personal body safety for students in Grades pre-K to 12. Personal Body Safety Lessons (PBSLs) reinforce and complement the Comprehensive Health Education curriculum that includes pre-K through high school lessons on early prevention education to be able to recognize and act on suspicion of child abuse and neglect.

Lessons are tailored by grade level and are modified, as needed, for students receiving special education services. These lessons have been developed with input from national stakeholders and Montgomery County partner agencies and are designed to empower students to recognize and report suspected cases of abuse without fear of reprisal. The chief of the State's Attorney's Office—Special Victims Division regularly commends MCPS on the PBSLs and shares publicly that these lessons are making a difference in children reporting incidents of abuse and neglect. In addition, embedded in the MCPS elementary and secondary health curriculum are age-appropriate lessons on safety and injury prevention, family life and human sexuality, cyberbullying and social media, healthy relationships, harassment, and intimidation. Based on interest from parents/guardians, MCPS developed supporting resources for these lessons to help parents and guardians discuss and instruct their children on these challenging topics. These lessons and additional resources are available to the parent and wider community on the MCPS Personal Body Safety Lessons [web page](#).

MCPS has launched a new initiative, *Be Well 365*, which will bring together our activities and programs addressing the physical, social and psychological well-being of our students. Students perform better academically when they are healthy in body, mind and spirit. *Be Well 365* will work to ensure that students have the necessary skills to become positive members of the school and broader community; manage their emotions; build academic and social resilience; identify and access support for themselves or a friend; peacefully resolve conflict; and make positive decisions. The district has launched a [Be Well 365](#) webpage with more information on each component of this initiative for the start of the 2019–2020 school year.

Additionally, this past June, the Board of Education adopted Policy COA, *Student Well-being and School Safety*, demonstrating a strong commitment to provide for the safety of all persons on MCPS property and to create and maintain safe, peaceful schools and workplaces where students and staff can do their best work, achieve, and thrive. The policy takes positions on; promoting positive school climate, accountability, behavior threat assessment, facilities, security staff, technology, collaboration with county partners (including health, law enforcement, and public safety agencies), and emergency planning and preparedness.

Collaboration with County Partner Agencies, MSDE, and the Greater Community

As delineated in [Policy JHC](#) and codified in a Memorandum of Understanding, a high-functioning and effective Multi-Disciplinary Team (MDT) was formed by MCPS and County partner agencies to establish procedures for the purpose of reporting and investigating child abuse and neglect. This highly positive and productive team includes representatives from MCPS, CPS, the State's Attorney's Office, the Montgomery County Attorney's Office, SVID, and the Tree House Child Assessment Center of Montgomery County. MDT continues to meet regularly and is the infrastructure for immediate interagency communication and collaboration in response to allegations of suspected child abuse and neglect, including support to impacted families and the school district. MDT provides

expert consultation on MCPS employee, volunteer, and contractor training on preventing, recognizing, and reporting child abuse and neglect, as well as participates in training module review, revisions, and videos.

On March 4, 2019, Student Welfare and Compliance staff, in collaboration with the States Attorney's Office and CPS, briefed the Montgomery County Council's Education and Culture Committee on district's implementation of child abuse and neglect procedures. Briefing materials and a video of the presentation are available on the Child Abuse and Neglect web page.

Since April 2018, MCPS staff participated in a MSDE work group led by MSDE and composed of representatives from multiple school districts. The work group has shared best practices on preventing child abuse and neglect across school districts. The committee provided input into a new draft regulation, COMAR 13A.07.12 *Disqualification Criteria for Substitute Teachers*, to create a statewide database to house the names of disqualified substitute teachers, as substitute teachers do not require a Maryland Educator Certificate and therefore are not covered under the existing reporting procedures outlined in state regulation.

In the wake of a high-profile case involving a former MCPS bus operator who was charged with multiple counts of sexual abuse stemming from inappropriate conduct with four students on his bus route from May through July of 2018, MCPS completed a review of its safety protocols for buses, focusing in particular on transporting students in special education programs. The resulting protocols were shared with the community via the Special Education Advisory Committee, and with special education bus operators and bus attendants. MCPS also enhanced its efforts to monitor school bus video, with additional monitoring on bus routes that serve students with disabilities. MCPS prioritized buses that serve students with disabilities in the installation of new camera systems and completed camera installation on all buses serving students with disabilities in December 2018, and intends to have enhanced camera monitoring systems on all buses during the 2019–2020 school year.

In addition to the enhanced bus safety protocols, MCPS continues to reinforce body safety, through its PBSLs, which are adapted for our special programs for students with disabilities. MCPS also put into action best practices learned in previous high-profile cases regarding communication. In the case involving the former MCPS bus operator, MCPS communicated as soon as possible with the public, parents/guardians of possibly impacted students, and school communities by promptly publishing what information it could about the case, in concert with CPS and SVID. Additionally, MCPS held several community meetings and made counselors available to families of the student victims. Finally, a call center was established with a specified telephone line for parents/guardians to have immediate information about their children regarding bus routes and any possible connections to the case.

MCPS also partners with the Montgomery County Family Justice Center Foundation and youth service providers in sponsoring the annual Choose Respect Montgomery Conference. Through interactive workshops, students learn about healthy teen relationships, teen dating violence prevention, and where to seek help.

Total Number of Suspected Cases Reported

During FY 2019, 3,133 suspected incidents of child abuse or neglect were reported by MCPS staff, volunteers, or contractors to CPS or Adult Protective Services (APS). This is in comparison to FY 2018 when 3,087 suspected cases of child abuse or neglect were reported and in FY 2017 when 2,993 incidents were reported.

These data are based on written reports submitted using MCPS Form 335-44, *Report of Suspected Abuse and Neglect*, and other MCPS records. The vast majority of cases reported did not involve MCPS employees, volunteers, or contractors. Data from previous years are available on the Child Abuse and Neglect web page.

Suspected Abuse or Neglect by MCPS Employees, Contractors, and Volunteers

During FY 2019, staff in the Office of Employee Engagement and Labor Relations received information regarding 307 cases reported to CPS and/or MCPD involving alleged abuse or neglect by an MCPS employee, volunteer, or contractor.¹ This is in comparison to FY 2018 when 357 cases were reported and FY 2017 when 309 cases were reported. This number includes cases of alleged abuse involving MCPS employees with students, as well as with their own children. The final disposition of these cases by CPS is summarized in the following table. In some of these cases, SVID may also have investigated the alleged abuse or neglect, and any outcomes of these cases that resulted in criminal charges are noted.

Outcomes of CPS Reports Involving Alleged Abuse or Neglect by an MCPS Employee, Volunteer, or Contractor+

Type	Number of Reports	CPS Outcomes ²				
		Screened Out	Ruled Out	Unsubstantiated	Indicated	Ongoing
Employee	303	277	10	7	8	1
Volunteer	3	2	0	0	1	0
Contractor	1	1	0	0	0	0

+Disclosure of the information from CPS reports to MCPS is subject to the provisions and penalties of Maryland Human Services Article 1-202.

¹ This count does not include cases in which an incident was reported, but CPS and MCPS were unable to identify the alleged maltreater.

² The possible outcomes of a CPS report are defined as follows:

- Screened out: There was insufficient evidence that abuse or neglect occurred.
- Ruled out: A finding that abuse or neglect did not occur.
- Unsubstantiated: A finding that there is insufficient evidence to support a finding of indicated or ruled out.
- Indicated: A finding that there is credible evidence which has not been satisfactorily refuted that abuse or neglect occurred.

In accordance with Policy JHC and Regulation JHC-RA, *Reporting and Investigating Child Abuse and Neglect*, MCPS is required to conduct an internal investigation consistent with all applicable Board policies and MCPS regulations, even when CPS, APS, and/or SVID screen out or close out the case without taking action and/or the State's Attorney's Office declines to bring criminal charges because such cases may involve potential violations of Board policies, MCPS regulations, contracts, and/or other guidance. The following table summarizes the actions taken by MCPS after the police, CPS, or the State's Attorney's Office after they concluded their investigations.

MCPS Actions Based On Internal Follow-Up Investigations

Type	No action warranted	Conference or memo for the record	Reprimand or other disciplinary letter	Suspension without pay	Removal from employment	Pending (as of August 1, 2019)
Employee ³	129 (126 FY19 3 FY18)	110 (109 FY19 1 FY18)	45 (44 FY19 1 FY18)	0	19 (11 FY19 8 FY18)	13
Volunteer	1	1	0	0	1	0
Contractor	1	0	0	0	0	0

Policy JHC also requires that the Board is informed of criminal charges filed against MCPS employees, volunteers, and contractors that involve allegations of abuse and neglect of children. The following is an accounting of charges and adjudication status of cases filed during FY 2019 and based on publicly available records.⁴

- A former special education paraeducator and boys' junior varsity basketball coach was charged with two counts of sexual abuse of a minor, as well as a fourth-degree sex offense. The charges stem from inappropriate conduct with and advances to a minor in previous summers while the individual was employed with a child-care center. The incidents did not occur in the former employee's role as a MCPS employee and did not occur on school property. The former employee pleaded guilty to sex abuse of a minor and was sentenced to 10 years in prison, with all but 6 months suspended, and received 3 years of supervised probation. ([Community Letter](#))
- A former bus operator was charged with multiple counts of second-degree rape, sex abuse of a minor, third-degree sex offenses, sex abuse of a minor, and vulnerable adult abuse. The charges, which stem from inappropriate conduct with MCPS students, remain pending. ([Community Letter](#))

³ This row includes 13 cases resolved in FY 2019 that remained pending at the end of the FY 2018 school year.

⁴ Pursuant to the Memorandum of Understanding between MCPS and County partner agencies, CPS and APS provide, to the extent permitted by law, summary data on an annual basis regarding: (1) all reports involving suspected abuse or neglect by MCPS employees, contractors, or volunteers of students; and (2) the final disposition of those reports by action taken. Please note that some of these charges filed in FY 2018 involve incidents that occurred or were reported prior to the beginning of the fiscal year.

- An individual who led a non-MCPS after-school program located at an elementary school was charged with six counts of indecent exposure, stemming from inappropriate contact with two MCPS students who attended the after-school program. The charges remain pending. ([Community Letter](#))
- A former special education paraeducator was charged with two counts of neglect of a minor. He pleaded guilty to one count of neglect of a minor. He was sentenced to three years in prison, with the entire term suspended, and received three years of supervised probation. ([Community Letter](#))
- A special education bus attendant was arrested and charged with second-degree assault, stemming from inappropriate conduct with MCPS students. The case remains pending. ([Community Letter](#))
- A former volunteer in MCPS schools was charged federally with production of child pornography, stemming from his secret videotaping children in his private residence. He pleaded guilty to one count of production of child pornography and one count of possession of child pornography and was sentenced to 20 years in prison. ([Community Letter](#))
- An employee of a construction contractor working on the reconstruction of a sports field at a MCPS high school was arrested on multiple charges of second-degree rape and third-degree sexual offenses. The charge stemmed from an incident that was not related to his work on MCPS property. Charges are currently pending. ([Community Letter](#))
- A physical education teacher was arrested and charged with multiple counts of possession of child pornography. He pled guilty to possession of child pornography; sentencing is scheduled for later this year. ([Community Letter](#))

The following are updates of arrests and charges that were pending from FY 2018:

- A building service worker (with an evening work schedule) was arrested and charged with contributing to the delinquency of a child, sexual abuse of a minor, second-degree child abuse, second-degree sexual offense, third-degree sexual offense, and fourth-degree sexual offense. The charges were not related to his role as an MCPS employee and the alleged abuse did not occur on school property. The individual pleaded guilty to contributing to the delinquency of a child. He was sentenced to 18 months in prison, all of which was suspended, and 3 years of supervised probation. (Community Letter)
- A building service worker was arrested and charged sexual abuse of a minor, second-degree sex offense and three charges of third-degree sexual contact stemming from allegations of inappropriate contact with family members at his home. The charges were not related to his role as a MCPS employee, and the alleged abuse did not occur on school property. The individual pleaded guilty to sexual abuse of a minor. He was sentenced to 20 years in prison, with all but 8 years suspended, and 5 years of supervised probation. (Community Letter)
- A short-term substitute teacher was charged with sexual abuse of a minor, as well as a fourth-degree sex offense. The charges stemmed from inappropriate contact with MCPS students. The individual pleaded guilty to second-degree assault. He was sentenced to three years of supervised probation. (Community Letter)
- A former paraeducator and lunch hour aide, who also worked for a before- and after-school care program in MCPS schools, was arrested and charged with two counts of sexual abuse of a minor, stemming from inappropriate contact with two MCPS students who attended

the before -and after- school care program. The individual pleaded guilty to second-degree assault and fourth-degree sex offense. He was sentenced to 16 years in prison, with all but 50 days suspended, and 5 years of supervised probation. (Community Letter)

- A high school counselor was arrested and charged with second-degree assault, second-degree sexual offense, second-degree rape, and false imprisonment, stemming from inappropriate conduct with three women. These alleged offenses did not occur on MCPS property, were not related to any MCPS students, and did not involve any minors. The individual was found guilty of sex assault with respect to one victim, pleaded guilty to second-degree sex offense with respect to the second victim, and the third case was placed on the inactive docket. Sentencing proceedings remain pending. (Community Letter)
- A former teacher and athletic director who retired in 2010 was arrested and charged with child abuse and molestation. The charges stemmed from allegations that during the 1984–1985 school year, he had a sexual relationship with a student when he was a teacher at a MCPS high school. The individual pleaded guilty to sexual abuse of a minor. He was sentenced to 15 years in prison, with all but 90 days suspended, and 3 years of supervised probation. (Community Letter)
- A former paraeducator and lunch aide, who also worked for two non-MCPS extracurricular after-school programs, was arrested and charged with sex abuse of a minor and third-degree sexual offense. These charges stemmed from an incident that occurred during the 2010–2011 school year and involved an elementary school student reaching into the former employee’s pocket to look for candy. The incident was not reported until March 2018. The individual has been deported. (Community Letter)

Incidents Resulting in Requests for Suspension or Revocation of Certification

The Code of Maryland Regulations requires that the superintendent of schools notify the state superintendent of schools of various charges against certificated employees. These charges include when an employee is dismissed or resigns after notice of allegations of misconduct involving a student, and if an employee is found guilty, pleads nolo contendere (no contest) or receives probation before judgment for child abuse or neglect. The following chart includes cases where MCPS sought suspension or revocation of a teaching certificate in FY 2019 for MCPS employees who were investigated for suspected child abuse or neglect involving a MCPS student, or the state superintendent of schools made a determination regarding certification, even if the underlying action occurred or was reported in prior years (including cases that were pending in last year’s report to the Board of Education).

Cases Where MCPS Sought Suspension or Revocation of Certification, or the State Superintendent of Schools Made a Determination Regarding Certification in FY 2018

Incident	State Superintendent of Schools Action
Employee dismissed for misconduct involving a student.	Revocation
Employee dismissed after being criminally charged for sexual assault.	Pending
Employee resigned while under investigation for misconduct involving a student.	Suspension
Employee dismissed for misconduct involving students.	Suspension
Employee dismissed for misconduct involving students.	Suspension
Employee dismissed for misconduct involving students.	Revocation
Employee dismissed after notice of alleged sexual child abuse	Revocation
Employee dismissed for misconduct involving a student.	Revocation

A full list of former Maryland school district employees whose state certification were revoked is available on the [MSDE website](#). At the request of community members, MCPS is exploring whether an exemption to Maryland personnel records law would permit greater disclosure of identifiable information about instances when MCPS sought suspension or revocation of a teaching certificate.

Lawsuits Related to Child Abuse and Neglect

Based on publicly available records in the Maryland Judiciary Case Search database for Maryland state court cases and in the Public Access to Court Electronic Records (PACER) database for federal court record, there were five cases filed by parents/guardians or students involving sexual misconduct or sexual abuse against the Montgomery County Board of Education and/or its employees or officers, which were pending or resolved in FY 2018.

- Doe et al. v. Montgomery County Board of Education, et al., initially was filed in Montgomery County Circuit Court (Docket No. 443277V), removed to the U.S. District Court for Maryland (Docket No. 8:18-cv-01127), voluntarily dismissed by the plaintiffs, and then refiled in Montgomery County Circuit Court (Docket No. 448213V). The circumstances giving rise to the case have been reported by the news media (see, for example, Rockville Patch). The case was dismissed after a settlement including \$5,000 in monetary relief.
- Doe et al. v. Montgomery County Board of Education, et al., initially was filed in Montgomery County Circuit Court (Docket No. 435268V), and removed to the U.S. District Court for Maryland (Docket No. 8:17-cv-03325), where it remains pending. The filing of this case was reported by the news media (see, for example, Bethesda Magazine).
- Three other cases were filed in Montgomery County Circuit Court involving two other victims of the same former employee in the preceding case (Docket No. 445786V, 455268V, 454939V). One case was dismissed by the Circuit Court and is under review in the Court of Special Appeals. Another case was dismissed and the remaining case is still pending. All three of these cases were settled for \$500,000.

The full docket for each of these cases is publicly available on the [Maryland Judiciary Case Search website](#).

FY 2020 Considerations

In addition to maintaining a high level of fidelity in the ongoing work described previously, MCPS is exploring a number of initiatives and enhancement for the 2019–2020 school year. These include the following:

- Building upon our partnership with the Montgomery County Interagency Coordinating Board (ICB) to establish and enact safety measures and procedures that are aligned to MCPS expectations for ICB contracted users in the building.
- Redesigning and refreshing the Recognizing and Reporting Child Abuse and Neglect online training module available to our volunteers and contractors, and providing more opportunities for engagement with the public.
- Monitoring newly implemented online reporting process for suspected online child abuse and neglect cases and expanding the implementation procedures countywide.
- Implementing districtwide CPS background checks for employees hired prior to 2013. As described previously, the next phase includes central office staff who work directly with our students, beginning with the Department of Transportation.
- Continuing to refine our processes for implementing House Bill 486, ensuring that all applicants are properly vetted for any history of child sexual abuse or sexual misconduct as part of the hiring process.
- Developing procedures to fully implement the RAP BACK program, described above.
- Monitoring proposed new state requirements for reporting disqualified substitute teachers and implementing those requirements when they are adopted.
- Enhancing the training plan for our school-based counselors and Child Abuse, and Neglect Liaisons, providing staff development plans for refresher training for staff in the schools.
- Monitoring the implementation of revised Personal Body Safety Lessons (PBSLs) at all levels, including opportunities for students to provide feedback on lessons content and pedagogy through an anonymous format.
- Expanding the Child Abuse and Neglect Stakeholder Continuous Improvement Team that will evaluate and assess the implementation of our work and develop suggestions for next steps in our efforts keep our students safe.

As of the date of this memorandum, there are pending cases of suspected abuse/neglect in the investigative process. These cases will be resolved with appropriate action taken, reviewed for continuous improvement, and reported in the 2019–2020 update to the Board of Education. We will continue to provide updates regarding the implementation of the policy and regulation.

If you have any questions, please contact Mr. Gregory S. Edmundson, director, Student Welfare and Compliance, Office of the Chief of Staff, at 240-740-3215 or Mr. Sherwin A. Collette, associate superintendent, Office of Employee Engagement and Labor Relations, at 240-740-2888.

JRS:HRJ:gse

Copy to:

Executive Staff

Mr. Edmundson

Ms. Webb